

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Tony B. Gaskins,

Plaintiff,

Civil Action

No. 05-10858-GAO

v.

Dr. Carl Singletary, et al.,


Defendants.

LATE NOTICE OF APPEAL

The Plaintiff, Tony B. Gaskins, seeks leave of court to file a late notice of appeal. There has been a mix up when Mr. Gaskins filed his motion for leave to appeal in forma pauperis and his appeal was never docketed in the Court of Appeals. See attached letter.

Respectfully Submitted,

Dated: 10/15/07

  
Tony B. Gaskins, Pro se  
MCI-Cedar Junction  
P.O. Box 100  
South Walpole, Ma. 02071

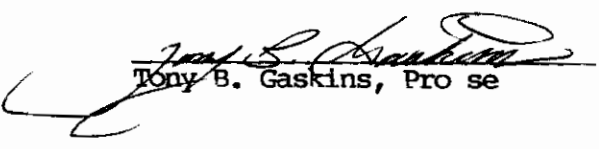
CERTIFICATE OF SERVICE

I, Tony B. Gaskins, certify that I caused a copy to be served by first class mail, postage prepaid on:

Jody Adams Brenner, Esq.  
Department of Correction  
Legal Division  
70 Franklin Street, Suite 600  
Boston, Ma. 02110-1300

James A. Bello, Esq.  
Morrison Mahoney LLP  
250 Summer Street  
Boston, Ma. 02210

10/15/07

  
Tony B. Gaskins, Pro se

Mr. Tony B. Gaskins  
MCI-Cedar Junction  
P.O. Box 100  
South Walpole, Ma. 02071

Sarah A. Thornton, Clerk  
United States District Court  
1 Courthouse Way, Suite 2300  
Boston, Ma. 02210

Dated: 10/15/2007

FILED  
IN CLERKS OFFICE  
OCT 22 P 1:37

U.S. DISTRICT COURT  
DISTRICT OF MASS.

Re: Gaskins v. Dr. Carl Singletary, et al.,  
No. 05-CV-10858-GAO

Dear Mrs. Thornton:

On 10/3/06, I filed my motion for leave to appeal to the First Circuit in Forma Pauperis and Judge O'Toole granted that motion on 11/30/06, however, my appeal was never docketed with the United States Court of Appeals for the First Circuit. When I filed my motion for leave to appeal, my understanding was that was my notice of appeal. If for some reason it wasn't, then I am submitting my notice of appeal with this letter.

Thank you for your attention to this matter.

Very truly yours,

  
Tony B. Gaskins, Pro se

Enclosures

cc: Jody Adams Brenner, Esq.  
James A. Bello, Esq.

OFFICE OF THE CLERK  
**UNITED STATES COURT OF APPEALS**  
FOR THE FIRST CIRCUIT

RICHARD CUSHING DONOVAN  
CLERK

JOHN JOSEPH MOAKLEY  
UNITED STATES COURTHOUSE  
1 COURTHOUSE WAY, SUITE 2500  
BOSTON, MA 02210  
(617) 748-9057

October 12, 2007

Tony M. Gaskins  
MCI-Cedar Junction  
P.O. Box 100  
South Walpole, MA 02071

Dear Mr. Gaskins:

I am writing in response to your letter dated September 14, 2007. This court has never opened a case because the district court did not certify and transmit an appeal. Further, there is nothing on the district court docket identified as a notice of appeal. If you think that you filed a notice of appeal or intended that your motion for leave to appeal in forma pauper serve as such notice, you should file a motion in the district court explaining the problem and seeking appropriate relief.

Yours sincerely,



Margaret Carter  
Chief Deputy Clerk

cc: Jody Adams Brenner  
Department of Corrections  
70 Franklin Street, Suite 600  
Boston, MA 02110

James A. Bello  
Morrison, Mahoney LLP  
250 Summer Street  
Boston, MA 02210